

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MIGUEL LOPEZ, individually and on behalf of
similarly situated,

Plaintiffs,

-against-

DECLARATION OF
PATRICK GAYLE

ANGELITO AUTO REPAIR, INC. (D/B/A
ANGELITO AUTO REPAIR), ANGELITO
GUZMAN

Defendants.

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PATRICK GAYLE makes the following declaration pursuant to 28 U.S.C. §1746:

1. I have worked at Angelito Repair Shop (the "Shop") and with Angelito Guzman for the last five years, as a mechanic.
2. I submit this Declaration in support of Mr. Guzman's attorney's Motion pursuant to Rule 59(c), F.R.Civ.P. to set aside the Default entered by the Clerk of Court on June 13, 2017 because of failure to timely file an Answer or respond to the Summons and Complaint.
3. I have come to understand from Mr. Guzman's attorney, Ms. Roya Moghadassi-Weiss, that Miguel Lopez has filed a law suit against Angelito Repair Shop, Inc. and Angelito Guzman. In the five year period that I have worked at the Shop, I have never seen any evidence that the Shop is in fact a corporation. I have known it to be a very small auto shop owned and operated by Angelito Guzman.
4. I also understand from Ms. Moghadassi-Weiss that Miguel Lopez claims that he was an employee at the Shop from approximately May 2015 until January 20th, 2017; that he typically worked 60 hours or more per week, from 8:00 a.m. until 6:00-7:00 p.m., Monday through Saturday. The period Mr. Lopez claims he was employed and regularly worked at the shop coincides in part with the period of time I have worked at the Shop. I have not witnessed Miguel Lopez working 60 or more hours per week and from 8 a.m. through 6-7 p.m., Monday through Saturday.
5. I also understand that there is a claim that certain legal papers or Summons and Complaint were served on a person identified as a manager with the first name of Hector, with last name unknown or with last name of "Dee," at the Shop, on April 3, 2017. During the five

years that I have worked at the Shop, I have not known any manager with the name of Hector or anyone with that name working in the Shop. Based on my five year experience, the only "manager" at the Shop is Angelito Guzman.

6. I worked at the Shop in the month of April, 2017. While I do not remember the events on the specific day of alleged service of papers, I believe such an event would have been an unusual event, enough to stand out in my mind and for me to remember it, if witnessed. I did not see anyone serving papers.

7. I had a friendly relationship with Mr. Lopez as did others in the Shop.

9. Mr. Lopez dropped by the Shop whenever he liked. At times he brought cars in front of the Shop to service and to make some money for himself but he was never at the Shop, working for Mr. Guzman, every day, six days per week.

I declare under penalty of perjury that the above statements are true and correct.

Executed on: April 26, 2018


Patrick Gayle